



Sub. H.B. 427*

127th General Assembly

(As Reported by S. Health, Human Services, & Aging)

Reps. Webster, Letson, Stebelton, Harwood, Evans, J. McGregor, R. Hagan, Brady, Coley, Dyer, Foley, Gerberry, Hughes, Luckie, Setzer, Skindell, D. Stewart, B. Williams, Yuko

BILL SUMMARY

- Modifies the statutory definitions of "marriage and family therapy" and "practice of marriage and family therapy" to resolve an inconsistency regarding scope of practice.
- Increases the instruction a person must complete to obtain a license to practice as a marriage and family therapist or an independent marriage and family therapist.
- Prohibits an independent marriage and family therapist or a marriage and family therapist from acting beyond the therapist's competency and requires the therapist to make a referral if the client's needs exceed the therapist's competence.
- Permits independent marriage and family therapists to supervise professional counselors and social workers when those professionals diagnose and treat mental and emotional disorders.
- Permits an independent marriage and family therapist to directly supervise a social worker assistant when the assistant provides certain human, social, and community services.
- Prohibits a public member of one of the professional standards committees of the Counselor, Social Worker, and Marriage and Family

* This analysis was prepared before the report of the Senate Health, Human Services, and Aging Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

Therapist Board from being a public member of either of the Board's other two professional standards committees.

- Authorizes the Marriage and Family Therapist Professional Standards Committee to act on behalf of the Board on all matters concerning independent marriage and family therapists and marriage and family therapists.
- Revises the contract requirements of the Community Rehabilitation Program national accreditation compliance and monitoring program.

CONTENT AND OPERATION

Background

(R.C. 4757.30(A) and (C))

Current law provides for licensure of marriage and family therapists and independent marriage and family therapists. The requirements for licensure as an independent marriage and family therapist are more extensive than those for licensure as a marriage and family therapist: in addition to meeting the requirements for a marriage and family therapist license, the applicant must, after meeting educational requirements, complete at least two calendar years of work experience in marriage and family therapy, including 1,000 hours of documented client contact in marriage and family therapy.¹

Scope of practice

(R.C. 4757.01(G) and (H) and 4757.30(F) (current law) and 4757.30(E) (the bill))

Current law

Two provisions of current law (R.C. 4757.01(G) and (H) and R.C. 4757.30(F)) appear inconsistent regarding the scope of practice of marriage and family therapists and independent marriage and family therapists. One section, R.C. 4757.01, includes only emotional disorders in the definitions of "marriage and family therapy" and "practice of marriage and family therapy" and excludes the diagnosis of mental disorders. The other section, R.C. 4757.30, however, appears to grant both kinds of therapists the authority to diagnose, as well as treat, both emotional and mental disorders.

¹ An applicant for licensure as a marriage and family therapist needs to complete only a practicum that includes at least 300 hours of client contact (R.C. 4757.30(A)(5)).

While there are no reported court cases regarding which provision of law prevails, the Ohio Attorney General's Office rendered an opinion in 2004, at the request of the then-chairman of the Counselor, Social Worker, and Marriage and Family Therapist Board, addressing this discrepancy. In that opinion (2004 OAG No. 037), the Attorney General concluded that the two provisions are reconcilable, as "mental disorders" and "emotional disorders" have the identical definition in R.C. 4757.01(F).² The opinion went on to advise the chairman that:

A person who is licensed...as a marriage and family therapist may diagnose and treat mental and emotional disorders, as defined in R.C. 4757.01(F), so long as he acts within the context of marriage and family systems, and within the limitations of his professional education, training, and qualifications, and the statutory restrictions imposed on the scope of practice of marriage and family therapy. A person licensed as an independent marriage and family therapist may diagnose and treat mental and emotional disorders without supervision, but a marriage and family therapist who has not attained licensure as an independent therapist may do so only under the supervision of a psychologist, psychiatrist, professional clinical counselor, independent social worker, or independent marriage and family therapist.

While Attorney General opinions are generally considered persuasive authority, they are not binding on judges when they interpret laws.

The bill

The bill modifies the definitions of "marriage and family therapy" and "practice of marriage and family therapy" to make clear that they include the diagnosis (as well as the treatment) of *mental* and emotional disorders. It also eliminates a provision in the definition of the "practice of marriage and family therapy" that provides that this term does not mean the treatment of biologically based psychiatric conditions without consultation with an appropriate medical doctor or psychiatrist, the use of psychotherapeutic techniques that are exclusive to the scope of practice of a licensed psychologist or psychiatrist, or any act that

² R.C. 4757.01(F) defines "mental and emotional disorders" as those disorders that are classified in accepted nosologies such as the International Classification of Diseases (ICD) and the Diagnostic and Statistical Manual of Mental Disorders (DSM) and in future editions of those nosologies.

marriage and family therapists are not educated to perform. It instead includes a provision that an independent marriage and family therapist or a marriage and family therapist is prohibited from diagnosing, treating, or advising on conditions outside the recognized boundaries of the marriage and family therapist's competency. The therapist is required to make appropriate and timely referrals when a client's needs exceed the therapist's competence level.

Training

(R.C. 4757.30(B))

Under current law, an applicant for a marriage and family therapist license must complete training that includes instruction in research, professional ethics, marriage and family studies, marriage and family therapy, human development appraisal of individuals and family, and systems theory.

The bill expands the training an applicant needs to complete to include instruction in evaluation (in addition to research), legal and ethical (in addition to professional) responsibilities, diagnosis of mental and emotional disorders, and therapeutic theory and techniques for individuals, groups, and families.

Supervision of other practitioners

Professional counselors

(R.C. 4757.21)

Under current law, the only practitioners who can supervise a professional counselor when the counselor diagnoses and treats mental and emotional disorders are psychologists, psychiatrists, professional clinical counselors, or independent social workers.

The bill permits independent marriage and family therapists to supervise professional counselors when such counselors diagnose and treat mental and emotional disorders.

Social workers

(R.C. 4757.26(A) and (C))

Under current law, the only practitioners who can supervise a social worker when the social worker diagnoses and treats mental disorders are psychologists, psychiatrists, professional clinical counselors, independent social workers, and registered nurses who hold master's degrees in psychiatric nursing.

In addition, current law prohibits a social worker from engaging in the practice of social work as an employee of a private individual, partnership, or group practitioner of social work unless the social worker is supervised by one of the professionals noted above.

The bill permits independent marriage and family therapists to supervise social workers when social workers diagnose and treat mental and emotional disorders. It also permits an independent marriage and family therapist to supervise a social worker when the social worker engages in the practice of social work as an employee of a private individual, partnership, or group practitioner of social work.

Social worker assistants

(R.C. 4757.26(D))

Under current law, the only practitioners who can directly supervise a social work assistant when the assistant provides human, social, and community services are psychologists, psychiatrists, professional clinical counselors, professional counselors, independent social workers, social workers, or registered nurses who hold a master's degree in psychiatric nursing.

The bill permits independent marriage and family therapists to directly supervise social worker assistants.

Marriage and Family Therapist Professional Standards Committee

(R.C. 4757.04)

Current law specifies that within the Counselor, Social Worker, and Marriage and Family Therapist Board there are three professional standards committees corresponding to the three kinds of professionals the Board regulates. The membership of the three professional standards committees is as follows:

Counselors Professional Standards Committee	Social Workers Professional Standards Committee	Marriage and Family Therapists Professional Standards Committee
<p><u>Members:</u></p> <p>Board's professional clinical counselor members</p> <p>Board's professional counselor members</p>	<p><u>Members:</u></p> <p>Board's independent social worker members</p> <p>Board's social worker members</p>	<p><u>Members:</u></p> <p>Board's marriage and family therapists</p>

Counselors Professional Standards Committee	Social Workers Professional Standards Committee	Marriage and Family Therapists Professional Standards Committee
Member who represents the public (1 person)	Member who represents the public (1 person who is not the public member representing the public on the Counselors Professional Standards Committee)	Member who represents the public (1 person who is not the member representing the public on the Counselors Professional Standards Committee or the Social Workers Professional Standards Committee)

The bill prohibits the member representing the public on the Counselors Professional Standards or the Social Workers Professional Standards Committees from being the same public member on the other professional standards committees of the Board, and the member representing the public on the Social Workers Professional Standards Committee from being the same public member on the Counselors Professional Standards Committee *or* the Marriage and Family Therapist Professional Standards Committee. The result of these prohibitions is that a public member of one professional standards committee cannot be a public member of either of the other two professional standards committees of the Board.

Marriage and Family Therapist Professional Standards Committee's authority

(R.C. 4757.04)

Under current law, only the Counselors Professional Standards Committee and the Social Workers Professional Standards Committee have full authority to act on behalf of the Counselor, Social Worker, and Marriage and Family Therapist Board on all matters concerning the professionals they represent.³

The bill authorizes the Marriage and Family Therapist Professional Standards Committee to act on behalf of the Board on all matters concerning independent marriage and family therapists and marriage and family therapists.

³ The Counselors Committee can act on behalf of the Board on all matters concerning professional clinical counselors and professional counselors and the Social Workers Committee can act on behalf of the Board on all matters concerning independent social workers, social workers, and social work assistants.

Reorganization

(R.C. 4757.30(C))

The bill reorganizes, but does not substantively change, the law governing the requirements a person must meet to obtain a license to practice as an independent marriage and family therapist.

Waiver of certain requirements to attain licensure

(R.C. 4757.30(D) (repealed by the bill))

The bill eliminates a provision in current law that authorizes the Counselor, Social Worker, and Marriage and Family Therapist Board to waive certain requirements to obtain a license to practice as a marriage and family therapist or independent marriage and family therapist since this authority expired on April 7, 2005.

National accreditation compliance and monitoring program

(Section 379.10 of Am. Sub. H.B. 119 of the 127th General Assembly; Section 3 of the bill)

The most recent general operations budget bill (Am. Sub. H.B. 119 of the 127th General Assembly) included an appropriation to establish and implement the Community Rehabilitation Program national accreditation compliance and monitoring program to be administered by the Ohio Association of Rehabilitation Facilities. The bill eliminates a provision that required the Rehabilitation Services Commission, no later than 30 days after the budget bill's effective date, to enter into a contract that complies with federal regulations on administration of state vocational rehabilitation programs and to convey the funds to establish and implement the compliance and monitoring program.

HISTORY

ACTION	DATE
Introduced	01-09-08
Reported, H. Health	04-29-08
Passed House (95-3)	05-22-08
Reported, S. Health, Human Services, & Aging	---

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